IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.11.2007

CORAM

THE HON'BLE MR.JUSTICE P.JYOTHIMANI

W.P.No.35366 of 2007
and
M.P.Nos.1 and 2 of 2007

Victory College of Education
(Men and Women)
Run by Victory Educational Trust,
Kambiliampatty (P.O.) 624 306.
Dindigul T.K.
Tamil Nadu
rep. By its Correspondent
M.Vadivel Petitioner

vs.

1. The Regional Director,
   National Council for Teachers
   Education,
   CSD Building, HMT Post,
   Jalahalli, Bangalore-31.

2. The Director of Collegiate Education,
   College Road, Chennai 600 006. Respondents

Petition under Article 226 of the Constitution of India praying for the issue of writ of certiorarified mandamus calling for the records from the first respondent in F.SRO/NCTE/2006-07/13425 dated 24.10.2007, quash the same and further direct the first respondent to grant unconditional order of recognition to the petitioner institution for starting one year B.Ed., course without insisting on prior approval of faculty list from the second respondent.

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For petitioner : Mr.B.Rabu Manohar

For R1 : Mr.K.Ramakrishna Reddy (for NCTE)
For R2 : Mrs.Dakshyayani Reddy, G.A. (E)

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ORDER

Heard Mr.B.Rabu Manohar, learned counsel appearing for the petitioner, Mr.K.Ramakrishnan, learned counsel who takes notice on behalf of the first respondent and Mrs.Dakshyayani Reddy, Government Advocate (Education), who takes notice on behalf of the second respondent.

2. This writ petition challenges the order of the first respondent dated 24.10.2007 whereby the first respondent has put a condition apart from many other conditions for granting permanent approval as follows:-

> "Now the institution shall undertake appointment of the faculty/staff by a duly constituted selection committee and ensure selection of candidates possessing qualifications as prescribed under rules. (A duly constituted selection means that a nominee of the affiliating body/University as applicable, subject expert of the affiliating body/University and a nominee of the State Government appointed by the affiliating University and the State Government respectively."

3. Mr.Ramakrishna Reddy, learned counsel appearing for the first respondent would submit that pursuant to the order of this court in W.P.No.24768 of 2007 on 9.8.2007, a resolution has been passed by the first respondent in which the condition which is stipulated in the impugned order has been taken away.

4. It is relevant to point out here the observation of this court in W.P.No.24768 of 2007 which reads as follows:-

> "In view of the above and considering the submissions made on either side, the writ petition is disposed of with a direction to the first respondent to pass appropriate orders and to grant unconditional recognition to the petitioner Institute for starting D.T.Ed Course from the academic year 2007-2008 within a period of eight weeks from the date of receipt of a copy of this order without insisting for the approval by the concerned affiliating body like University, SCERT, DTERT, DSERT, etc."

5. In view of the above stated facts that the first respondent has now passed a resolution to grant unconditional recognition to the institution when once other requirements are satisfied, the impugned order insofar as it imposes the condition is set aside. It is made clear that the unconditional recognition shall be issued by the first respondent subject to the fulfilment of the other requirements as seen in paragraph 6 of the letter issued by the first respondent dated 24.10.2007. It is

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always open to the first respondent to verify the correctness of the details furnished by the petitioner. The first respondent shall pass such orders within 90 days from the date of receipt of copy of this order.

6. The writ petition stands ordered in the above terms. No costs. The connected Miscellaneous Petitions are closed.

ssk.

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Regional Director,
   National Council for Teachers
   Education,
   CSD Building, HMT Post,
   Jalahalli, Bangalore-31.

2. The Director of Collegiate Education,
   College Road, Chennai 600 006.

+1 cc to Mr.K.Ramakrishna Reddy, Advocate Sr.No.69155.

+1 cc to Mr.B.Rabu Manohar, Advocate Sr.No.69269.

+1 cc to The Government Pleader Sr.No.69483.

KS(CO)
DCP/28.11

W.P.No.35366/2007

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